

FEDERAL COMMUNICATIONS COMMISSION

PUBLIC HEARING ON LOCALISM

CHARLOTTE, NORTH CAROLINA

October 22, 2003

STATEMENT BY

RM-10803

J. DENNIS RASH, CHAIRMAN

NORTH CAROLINA BICYCLE COMMITTEE

Mr. Chairman; Commissioners; Distinguished Panelists:

On behalf of my fellow members of the North Carolina Bicycle Committee, let me add my word of welcome to North Carolina. We are delighted to have you and your staff in Charlotte!

The North Carolina Bicycle Committee was created by the North Carolina General Assembly to assist local governments, and various state and local agencies and organizations in developing local and regional bikeway projects; and to develop policies and standards for planning, maintaining and operating bikeways safely across the State. We are advisory to the Secretary of the North Carolina Department of Transportation and the Board of Transportation in furtherance of those purposes. North Carolina has the second largest state-maintained roadway system in the United States.

We are specifically charged with representing the "interests of bicyclists...on all matters ...pertaining to bicycles and bikeways...[in pursuance of] a safer environment for bicycling in North Carolina." It is in the context of this safer environment that I address you tonight.

How does this relate to your stated purpose of gathering information on broadcasters' service to local communities? Let me give you some background.

On September 22 and 23, Clear Channel Communications' Raleigh affiliate, WDCG-FM ("G 105"), during its morning drive time talk show, aired an extended discussion about how much fun it was for the motoring public to run cyclists off the highways. From the emails and listener comments I received from listeners in the Raleigh/ Durham/ Chapel Hill area, I understand that the G 105 announcers provoked and baited their call-in public to explore ways motorists could harass cyclists. Several of the ways suggested were shooting pellet guns at passing cyclists; and throwing empty bottles from passing vehicles. One of the announcers even opined that he would enjoy driving his vehicle on any of the bike paths, since he felt cyclists didn't belong on the roads any more than he belonged on the bike paths.

ENCLOSURE 071

As a matter of law, that announcer was just plain wrong. North Carolina law specifically classifies bicycles as vehicles, and regulates their lawful use on its highways.

As a matter of common courtesy and safety, that announcer was beyond wrong. He was provocative and callous. In fact, I received an email from a Chapel Hill cyclist who personally experienced the ripple effect of the G 105 provocations. He explained to me how a pickup truck driver: “a couple of days after the Raleigh DJ’s advocated violence... intentionally crossed the center line...” and scared him out of his wits -- and his rightful place on the road.

The aftermath of these unfortunate incidents is really what I encourage your Commission’s focus.

First, there has been a market response. Two Raleigh area firms have pulled committed advertising programs.

Second, G 105 had a limited and brief response. It suspended the two announcers - for two days – and aired an innocuous PSA on bicycle safety! The station manager’s personal response was instructive. He emailed me saying: ...“at the time we felt [the comments of the announcers] were humorous in nature. In retrospect we feel that some of the comments were inappropriate....”

We have since learned that similar anti-cycling comments and provocations have been aired on Clear Channel affiliates in the Cleveland and Houston markets. Accordingly, we have concluded that “inappropriate comments,” as characterized by the G 105 station manager, appear to have a resilient shelf life. Our Director of the Department of Transportation’s Bicycle & Pedestrian Division seems accurately to have captured the lasting impact on that station manager, when he said that the manager’s manner was “friendly defiance.”

In summary, we are left to conclude that traditional, local market forces provide at best a limited sanction in today’s world of media consolidation. The loss of two local advertisers does not appear to have made much impact on Clear Channel’s business conduct. Their breadth of revenues sources insulates them from local market responsiveness.

My purpose here tonight is not to use this case study as argument against further consolidation. Rather it is to suggest to your Commission that enhanced FCC regulation and oversight will be required if the market-based sanctions of outraged advertisers becomes further diluted through consolidation. Any future outcome, however, must not permit the airways to be so witlessly used to encourage harm to any segment of our transportation publics.

On behalf of the North Carolina Bicycle Committee, I thank you for your consideration.